and assimilation; that it was efficacious for poor lactation, atrophy of glands, gastric atony, and head retraction; that it would improve the appetite, stimulate growth essential to tissue respiration; that it contained ingredients essential for glandular functions; that it was efficacious for poor resistance to infections, restlessness, digestive disturbances, headache; that it would exert a beneficial influence in cases of low fertility, poor lactation, and failure of male germ cells to develop; that it was an antipellagric, would improve growth, promote health, prolong the active life span; that it was essential in nerve tissues; that it was efficacious in conditions which impair growth and shorten the life span, and was efficacious in the treatment of dermatitis, breakdown of the central nervous system, loss of hair, ulceration of tongue, loss in body weight of intestines and atony; whereas it would not be efficacious for such purposes.

On October 7, 1940, the defendant entered a plea of guilty and the court imposed a fine of $100 and costs.

284. Adulteration and misbranding of vitamin tablets. U. S. v. Royal Manufacturing Co. of Duquesne, Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs. Pleas of nolo contendere. Dismissed as to the corporation. Fine of $25 and costs imposed against each individual defendant. (F. D. C. No. 945. Sample No. 55534–D.)

This product was found to contain less than one-sixtieth the amount of vitamin A and less than one-half the amount of vitamin D delcared on the label.

On April 15, 1940, the United States attorney for the Northern District of Illinois filed an information against the Royal Manufacturing Co. of Duquesne, Chicago, Ill., Kolomon Kovacs, Samuel S. Kovacs, and Martin Kovacs, alleging shipment on or about August 18, 1939, from the State of Illinois into the State of Michigan of a quantity of vitamin tablets that were adulterated and misbranded. The article was labeled in part "Saxon Six Vitamins in Tablet Form."

The article was alleged to be adulterated in that its strength differed from and its quality fell below that which it purported or was represented to possess in that each of said tablets was represented to contain not less than 3,138 U. S. P. units of vitamin A and not less than 314 U. S. P. units of vitamin D; whereas each tablet contained not more than 50 U. S. P. units of vitamin A and not more than 150 U. S. P. units of vitamin D.

It was alleged to be misbranded in that the statements, "Each Tablet Contains Not Less Than: Vitamin A, 3138 U. S. P. units * * * Vitamin D, 314 U. S. P. units * * * Vitamin C," borne on the carton, and "Directions: Adults take two to four tablets daily. Children one to three tablets daily," borne on the bottle label, were false and misleading in that they represented that each of said tablets contained not less than 3,138 U. S. P. units of vitamin A and not less than 314 U. S. P. units of vitamin D and that when taken according to directions would provide a substantial amount of vitamin C; whereas the said tablets contained less than 3,138 U. S. P. units of vitamin A and less than 314 U. S. P. units of vitamin D, and when taken in accordance with directions would not supply a substantial amount of vitamin C in that four tablets would supply less than one-tenth the amount of vitamin C required daily by adults, and three tablets would supply less than one-seventh the amount of vitamin C required daily by children less than 1 year old and less than one-tenth the amount required daily by children 1 to 12 years old.

On November 28, 1940, pleas of nolo contendere were entered. The court, after the facts had been presented and arguments of counsel had been heard, suggested that the defendant corporation be dismissed and, upon motion of the United States attorney, the case against the corporation was dismissed. Fines of $25 and costs were imposed against each individual defendant, with the provision that payment of the fine on the first count satisfy both counts.

285. Adulteration and misbranding of Nuval-Aid. U. S. v. 5 Dozen Bottles of Nuval-Aid. Default decree of condemnation and destruction. (F. D. C. No. 3658. Sample No. 50037–E.)

This product consisted essentially of sugar-coated yeast tablets. It contained not more than 36 U. S. P. units (International Units) of vitamin B_1 per tablet which was only three-fourths of the amount declared on the label.

On January 11, 1941, the United States attorney for the District of Columbia filed a libel against 5 dozen bottles of Nuval-Aid at Washington, D. C., alleging that the article had been shipped in interstate commerce on or about September 18, 1940, by V. M. Products from Chicago, Ill.; and charging that it was adulterated and misbranded.

The article was alleged to be adulterated in that a valuable constituent, vitamin B_1, had been in whole or in part omitted or extracted therefrom; and in that its strength differed from and its quality fell below that which it was represented to possess.

It was alleged to be misbranded in that the statement, "Each Tablet Contains not less than 48 International Units Vitamin B_1", was false and misleading since it was incorrect.

On February 26, 1941, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.

286. Adulteration and misbranding of Codroil. U. S. v. Pho-So-Ash Products Corporation. Plea of guilty. Fine, $50 and costs. (F. D. C. No. 963. Sample Nos. 55958–D, 75454–D.)

This veterinary product contained less than one-half the amount of vitamin D and less than one-third the amount of vitamin A declared on the label.

On June 10, 1940, the United States attorney for the Northern District of Indiana filed an information against the Pho-So-Ash Products Corporation, Kendallville, Ind., alleging shipment on or about September 8 and 29, 1939, from the State of Indiana into the States of Michigan and Ohio of quantities of Codroil which was adulterated and misbranded.

The article was alleged to be adulterated in that its strength differed from and its quality or purity fell below that which it purported or was represented to possess in that each pound of the article was represented to contain 40,000 units of vitamin D and 77,600 units of vitamin A; whereas each pound of the article contained not more than approximately 18,144 units of vitamin D and not more than approximately 22,680 units of vitamin A.

It was alleged to be misbranded in that the statements "40,000 Units Vitamine D and 77,600 Units Vitamine A per pound. Codroil is fully guaranteed as to Vitamine content," borne on the drum label, were false and misleading in that they represented that each pound of the article contained 40,000 units of vitamin D and 77,600 units of vitamin A; whereas each pound of the article contained less than 40,000 units of vitamin D and less than 77,600 units of vitamin A. It was alleged to be misbranded further in that the statements "Cod Liver Oil Concentrate 4% (5,750 Units Vitamin A per gram, 3,850 units Vitamin D per gram)," borne on the tag affixed to the drum, were false and misleading in that they represented that the article contained 4 percent of cod-liver-oil concentrate and that the cod-liver-oil concentrate so present contained 5,750 units of vitamin A per gram and 3,850 units of vitamin D per gram, that is to say, that the article contained in each gram not less than 230 units of vitamin A and not less than 150 units of vitamin D; whereas it contained not more than 50 units of vitamin A and not more than 40 units of vitamin D per gram.

On January 27, 1941, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of $50 and costs.

DIGITALIS

287. Adulteration and misbranding of digitalis leaves. U. S. v. 7 Bags of Digitalis Leaves. Default decree of condemnation and destruction. (F. D. C. No. 2488. Sample No. 10799–E.)

This product possessed a potency of about 71 percent of the pharmacopoeial standard for digitalis leaves. Furthermore, it was contained in paper sacks inclosed in burlap bags and not in waterproof and airtight containers as prescribed in the pharmacopoeia.

On August 5, 1940, the United States attorney for the Southern District of New York filed a libel against 7 bags of digitalis leaves at New York, N. Y., alleging that the article had been shipped in interstate commerce on or about April 24, 1940, by the Oregon Forest Products from Salem, Oreg.; and charging that it was adulterated and misbranded. The article was labeled in part: "2nd Grade Digitalis. U. S. P. not Guaranteed."

It was alleged to be adulterated in that it purported to be and was represented as a drug the name of which is recognized in the United States Pharmacopoeia but its strength differed from the standard set forth in such compendium.

It was alleged to be misbranded in that it was not packaged as prescribed in the United States Pharmacopoeia, since it was not contained in waterproof and airtight containers.

On September 10, 1940, no claimant having appeared, judgment of condemnation was entered and the product was ordered destroyed.